
**LEGAL
REQUIREMENTS**

Federal regulations require state IV-D agencies to provide the same necessary services in both interstate and intrastate IV-D cases. In accordance with Title IV-D of the Social Security Act, and 45 CFR 303.7, IV-D agencies must provide services for interstate cases by:

1. Establishing paternity and attempting to obtain a judgement for costs should paternity be established;
2. Establishing a child support obligation;
3. Processing and enforcing orders referred by another state whether pursuant to UIFSA or other legal processes;
4. Collecting and monitoring any support payments from the non-custodial parent and forwarding payments to the location specified by the IV-D agency;
5. Reviewing and adjusting child support orders.

To fulfill the requirements of the federal regulations, states have adopted the Uniform Interstate Family Support Act (UIFSA). UIFSA is a comprehensive act providing a framework for interstate paternity and support establishment, enforcement and modification of child support obligations. There are also other activities that may occur in an interstate case. These may include locate activities, interstate income withholding, income tax refund offset and administrative review. The statutes apply to any situation where the child and non-custodial parent reside in different jurisdictions, and there is a:

- support obligation with current charges,
- support obligation that is not being paid, or
- paternity or a child support obligation to be established.

UIFSA is a state law, not a federal law. Michigan adopted UIFSA effective June 1, 1997. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) required all states to adopt UIFSA by January 1, 1998. PRWORA also amended the Full Faith and Credit for Child Support Orders Act to apply the same rules for determining Continuing Exclusive Jurisdiction (CEJ) and controlling order under UIFSA. UIFSA provides for:

- **Recognition of administrative processes.** UIFSA recognizes administrative support orders; and, recognizes and allows administrative enforcement of support orders.
- **One order, one time.** UIFSA's goal is to recognize only one current support order. This order is referred to as the Controlling Order. Recognizing one order as the Controlling Order ends the

confusion that results when several orders for current support exist for the same obligor and child.

- **One-State and Two-State Procedures.** UIFSA provides for One-State remedies. Long Arm Jurisdiction: UIFSA contains a long-arm section to use in paternity establishment, and the establishment, enforcement, and modification of support. This long-arm section allows a state to claim personal jurisdiction over a nonresident to the fullest extent allowed by law. Direct Income Withholding: UIFSA requires employers to honor income withholding orders from other states that appear to be valid, even when the employer does not conduct business in the state that issued the withholding order. Two State Proceedings: In addition to One-State remedies, UIFSA contains remedies for the interstate establishment of paternity, and the establishment, enforcement, and modification of support.
- **Evidentiary Provisions.** UIFSA recognizes that problems may arise when parties and witnesses live in different states. It addresses what type of information is admissible into evidence and how this evidence can be introduced.

Under UIFSA there is only one controlling order. UIFSA does not confer any authority to decide custody or parenting time issues. UIFSA does bar conditioning the payments of support upon compliance of a party with a parenting time order (MCL 552.1308 (4)).

The state issuing a support order has CEJ so long as the obligor, obligee or child remain in the state. Another state may assume CEJ if the obligor, obligee and child are no longer in the issuing state, or if each party to the support order files written consent, notifying that state that they wish to have a tribunal in another state modify the orders, thus assuming CEJ.

Under Michigan's UIFSA provisions, the Office of Child Support (OCS), Prosecuting Attorney (PA), or Office of the Friend of the Court (FOC) must provide services to a petitioner in a proceeding under UIFSA; and, shall do all of the following:

1. Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent.
2. Request an appropriate tribunal to set a hearing date, time, and place.
3. Make a reasonable effort to obtain all relevant information, including information as to the parties' income and property.

4. Within 2 days, exclusive of Saturday, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner.
5. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

Determination of Controlling Order

UIFSA establishes the rule of one controlling order at a time. UIFSA provides rules to determine the Controlling Order, the one order entitled to prospective enforcement. Determination of Controlling Order is only done once. Determination of Controlling Order is made by the state tribunal.

Continuing, Exclusive Jurisdiction (CEJ).

The rules to determine the Controlling Order are based on the principle of CEJ. A state issuing a support order has CEJ as long as it remains the resident state of the:

- Obligor,
- Individual obligee, or
- Child for whom support was ordered.

The method of enforcement or modification of an order under UIFSA depends upon which order is controlling and what state has CEJ. The following rules determine which order is controlling:

- When only one order exists, that order is controlling.
- When two or more tribunals have issued orders, but only one has CEJ, the order of the CEJ tribunal is the controlling order.
- When two or more tribunals have issued orders and can assert CEJ, the order from the child's home state is the controlling order.
- When two or more tribunals have issued orders and can assert CEJ, but no tribunal is the child's home state, the most recent order is the controlling order.
- When two or more tribunals have issued orders but no tribunal has CEJ, the responding state shall issue a new order and assume CEJ.

A state may assume CEJ of another state's order if:

- No individual party or child resides in the issuing state, or
- All parties who are individuals have filed written consent with the first state's tribunal for a second state's tribunal to modify the order and assume CEJ.

A state with CEJ continues to have the responsibility to enforce its order until another state assumes CEJ.

Key elements of the Controlling Order are:

- Non-modifiable aspects of the support obligation are established by the controlling order;
- Support arrears are calculated based on the highest amount of child support existing in a valid order at any given time;
- Controlling order determination is *res judicata* (*a thing decided; the subject of the case is firmly and finally decided*) unless overturned on appeal;
- Controlling order governs future support.

Note: The UIFSA Remedy Decision Chart (FIA-4792, exhibit Item 300X4) and the UIFSA Remedy Decision Worksheet (FIA-4794, exhibit Item 300X5) have been developed to assist staff in determining controlling order, CEJ and appropriate enforcement actions. These are tools to assist staff when working with interstate cases. The worksheet is a step-by-step procedure to determining CEJ and controlling order.

Notice of Determination of Controlling Order.

The “Notice of Determination of Controlling Order,” FSA-208, provides a standard format for alerting entities in other jurisdictions about a controlling order determination. When a State’s tribunal makes a determination of controlling order, issues a new child support order, or modifies a child support order this notice of determination is completed.

The “Notice of Determination of Controlling Order” provides notice:

- to the initiating IV-D agency by a responding jurisdiction in an interstate action ;
- to any tribunal that has issued, registered, or is enforcing a child support order governing the same parties and child(ren);
- to any IV-D agency with an open or closed IV-D case for the parties;
- a party to the order (i.e., the obligor or obligee), as appropriate; or
- a central registry in another State.

See IV-D Manual Item 300X9, “Notice of Determination of Controlling Order,” FSA-208.

**ACTIONS
AVAILABLE UNDER
UIFSA**

The following actions may be initiated for an Interstate case under UIFSA provisions:

- Establishment of an order through UIFSA.
- Registration for enforcement under UIFSA.
- Registration for modification under UIFSA.
- Registration for enforcement and modification under UIFSA.
- Registration of orders for income withholding.

**Establishment Of
An Order**

UIFSA allows for the establishment of paternity, child support obligations or both. However, it does not require a new order to enforce child support obligations when an order exists. Direct enforcement remedies and registration processes are used for enforcement of Michigan orders or obligations established in other states. Federal regulations require IV-D agencies to use long-arm jurisdiction (see Long-Arm section, below), when available and appropriate, when establishing paternity or support in an Interstate case. However, if long-arm jurisdiction is not appropriate or available, states are to use the traditional two-state method to process the case.

When to Establish a New Order or Modify an Existing Order

When determining if there are any existing orders associated with an Interstate case, certain types of orders do not “qualify” as support orders. Some of these types of orders include Interstate income withholding orders, arrears-only orders, and accrued support-only orders. There are also cases where more than one support order exists, but none qualify as the controlling support order. In these cases, if you seek current support or medical coverage, enter a new order. (See Determination of Controlling Order and Enforcement of Support sections.

Follow the steps below to see if a new order should be issued or an existing order modified:

1. Carefully review the case to see if any orders exist in any states.
2. If you find one existing order, use the following guidelines to determine:
 - If the order is truly a support order and should be modified when a different amount of support is sought: or
 - If the order does not qualify as a support order under UIFSA, and therefore a tribunal can establish a new support order.

Seek establishment of a “new” support order when there is an order:

- That is silent on the issue of support (does not mention support);
- That reserves the issue of support because the tribunal found it lacked personal jurisdiction over the obligor; or
- That reserves the issue of support and does not state a reason for doing so.

Seek modification of an existing order when the petitioner seeks a change in the support amount and there is an order:

- That requires payment of \$0 for support;
 - Where the tribunal “reserved” the issue of support and gave a reason showing that the tribunal did have personal jurisdiction over obligor;
 - That provides for medical support;
 - That has been suspended under Michigan law; or
 - That has been reinstated under Michigan law.
3. If there are two or more support orders in existence, determine if any of these orders qualify as the Controlling Order. An action to enter an order for current support may be brought ONLY if there is no support order that qualifies as the Controlling Order.
 4. If there is a presumed Controlling Order, follow UIFSA's process for enforcement or modification (see enforcement or modification later in this item).
 5. If there are two or more support orders, but none qualify as the Controlling Order, seek entry of a new order through long-arm jurisdiction or a two-state UIFSA petition forwarded to the responding state. If a new support order is issued, it will become the Controlling Order and will keep this status throughout the life of the case. If this order is later modified, it remains the controlling Order; however, the state that modified the order has CEJ and is considered the Controlling Order state. When there are multiple support orders but no Controlling Order, it may be proper to seek enforcement of arrears that accrued under the prior orders, as well as the entry of a new order.

No Existing Order/Michigan as the Initiating State

If no order exists, the SS refers the case to the PA for establishment (UI referral type). See OCS Manual Items 200 and 210 for details concerning “Court Action Referral” to PA. Also, see Item 305X7, “UIFSA Refer-

ral Case Types” at the end of this Item. The PA may represent the resident petitioner, and conduct the proceedings as necessary in UIFSA establishment actions.

When Michigan is the initiating state, the PA prepares, compiles and sends the standard interstate forms package to the Interstate Central Registry in the responding state. Refer to the “Interstate Central Registry Directory”. The standard interstate forms package for UIFSA includes:

- Transmittal #1 - Initial Request, FSA-200-1. (See IV-D Item 300X1).
- Uniform Support Petition, FSA-201.(See IV-D Item 305X1).
- General Testimony form, FSA-202. (See IV-D Item 305X2).

The tribunal in the responding state will establish an order for support, if appropriate, under the laws of that state. The non-custodial parent will have an opportunity to challenge the fact or amount of the order before the responding tribunal . The order is enforced in the responding state and payments are forwarded to the FOC in the initiating jurisdiction.

No Existing Order/ Michigan as the Responding State

The Interstate Central Registry receives requests for establishment of an order. The request is forwarded to the Circuit Court (tribunal) then to the PA. Interstate Central Registry also sends a copy of the Interstate Transmittal to the PA.

If the request is received directly from the other state, file the case with Circuit Court and forward a copy of the transmittal to Interstate Central Registry. Requests can also be directly filed by a private attorney or party without going through the “other state” or their agency.

The PA proceeds with the establishment of an order under appropriate state statute and IV-D requirements (see PAH Item 230).

The PA will notify the petitioner where and when the petition was filed. The PA sends a copy of the order (and/or acknowledgment) and calculations of the child support amount, if any, to the:

- Petitioner,
- Respondent,
- Initiating Jurisdiction, and
- FOC (MCR 3.211(i)).

Already Existing Order

There is another situation where establishment of a new order for support is appropriate. A state may create a new order to replace any previous order(s), preserving the arrearages, and assume CEJ when there is an interstate request for enforcement or modification, and none of the issuing states can assert CEJ. The FOC or SS refers the case to the PA for establishment of a new order. The PA notifies the requesting tribunal and the tribunals holding known orders that Michigan has assumed CEJ.

The PA acknowledges receipt of the referral to:

- Inform the initiator of the local contact person,
- Request missing information not requested by the Interstate Central Registry (if any), and/or
- Inform the initiator if the service will be provided differs from that acknowledged by the Interstate Central Registry.

No CEJ

If Michigan cannot assert jurisdiction, contact the initiating state and, at their discretion, forward the case to the state which appears to have jurisdiction or return the referral to the initiator.

Note: If the court finds Michigan does not have jurisdiction over the non-resident obligee, solicit the obligees consent for Michigan to assert jurisdiction. The obligee should be informed no state currently has jurisdiction over the matter.

Establishment of Parentage

UIFSA provides a legal process to establish parentage:

- Allowing the state's tribunal (the Family Division of the Circuit Court in Michigan) to serve as an initiating or responding tribunal in a proceeding brought under a support enforcement act to determine that a petitioner is a particular child's parent or to determine that a respondent is that child's parent;
- Allowing the state's tribunal to apply the paternity act, Act No. 205 of the Public Acts of 1956, sections 722.711 to 722.730 of Michigan Compiled Laws, in a proceeding to determine parentage.

In an out-of-state request, the PA/SS takes appropriate actions from the following options:

- Attempts to ascertain if paternity was established in another state. Contacts the IV-D agency of another state to verify whether an affidavit establishing paternity was filed in that state (it is not necessary to obtain an Order of Filiation when an Affidavit of Parentage has been completed in another state).
- Ensures that full faith and credit is given to determinations of paternity.
- Attempts to establish paternity either through a voluntary Affidavit of Paternity or through legal process, in cases where the putative father lives outside of Michigan and paternity has not been previously established.
- Reviews each case for potential paternity action in light of existing case law and applicable statutes in both Michigan and the state where the putative father resides.
- Considers the possibility of a voluntary acknowledgment, or action using Michigan's long-arm jurisdiction.
- Sends referrals in interstate cases to the responding state's Interstate Central Registry within 20 calendar days of determining that a putative father is in another state and long-arm establishment is not appropriate.

Long-Arm Jurisdiction

UIFSA provides for the assertion of long-arm jurisdiction over a non-resident up to the limits of the U.S. Supreme Court's decision in *Kulko v. Superior Court of California*, 436 U.S. 84 (1978). An interstate paternity action is inappropriate if it appears Michigan has long-arm jurisdiction. (See Combined IV-D Manual, Item 300, Interstate Procedures)

The long-arm provisions allow a state to assert jurisdiction over a party who is not currently living in that same state. A direct link is established between a person and a state by establishing one of the following :

- The child was conceived in the state asserting jurisdiction;
- The non-custodial parent lived with the child, or lived before the child was born and provided prenatal support in the state asserting jurisdiction;
- The non-custodial parent signed an acknowledgment of paternity that has been filed in the state asserting jurisdiction;
- The parents were married in the state asserting jurisdiction;

- The non-custodial parent owns property in the state asserting jurisdiction;
- The non-custodial parent transacts business in the state asserting jurisdiction;
- There is an opportunity for the non-custodial parent to be served in the state asserting jurisdiction;
- The non-custodial parent agrees to voluntarily submit to jurisdiction in the state;
- The obligor directly caused the custodial parent to live within the state asserting jurisdiction.

Note: The PA should not refer cases in which long-arm jurisdiction applies.

Michigan as the Initiating State

UIFSA authorizes establishment of parentage in an interstate proceeding, even if it is not coupled with a proceeding to establish support. As an initiating state, send the following to the Interstate Central Registry in the state in which the putative father resides:

- FSA-200-1, Child Support Enforcement Transmittal #1 (exhibit 300X1).
- FSA-201, Uniform Support Petition (exhibit 305X1).
- FSA-202, General Testimony form (exhibit 305X2).
- FSA-204, Affidavit in Support of Establishing Paternity (exhibit 305X3).

Michigan as the Responding State

As the responding state, the Interstate Central Registry receives requests for establishment of paternity. The requests are forwarded to the Circuit Court (tribunal); then, to the PA. Interstate Central Registry also sends a copy of the Interstate Transmittal to the PA. If the request is received directly by the PA from the state, private attorney, or party, file the case with Circuit Court and forward a copy of the transmittal to the Interstate Central Registry.

The PA proceeds with establishment of paternity under appropriate state statute and IV-D requirements. See PAH Item 230.

The PA notifies the petitioner where and when the petition is filed. The PA sends a copy of the order or acknowledgment and calculations of the child support amount, if any, to the:

- Petitioner,
- Respondent,
- Initiating Jurisdiction, and
- FOC.

Cost of Genetic Testing

The IV-D agency in the responding state is responsible for payment of costs incurred in processing interstate IV-D cases. The IV-D agency in the initiating state must pay for the costs of genetic testing in actions to establish paternity. If paternity is established, the initiating state is entitled to reimbursement for the costs of the genetic testing for the child and the mother, the costs of mailing the samples to the laboratory and testing costs. (See PAH Item 230).

Registration for Enforcement of Support

Under UIFSA, only the Controlling Order is entitled to enforcement. The Controlling Order must be determined before interstate enforcement action can be initiated. See the “Controlling Order” section in Combined IV-D Manual Item 300.

Michigan Order

The FOC is responsible for enforcing Michigan orders. No referral is required to enforce a Michigan order. The SS provides to the FOC any information indicating the obligor resides, derives income, or owns property in another state.

Obligor in State of Controlling Order

If the obligor is in the state with the controlling order, the FOC sends Transmittal #1, FSA 200-1, to that state requesting them to enforce their order and redirect the payments to Michigan. Provide that state with any available information that would assist enforcement efforts.

If no one lives in the controlling order state, obtain certified copies of all known orders and initiate registration for enforcement in the respondent's state. Request the registering state to redirect payments to Michigan.

If there is a foreign support order and both parties reside in Michigan file the case in the moving party's county using the “UM” court referral type code (see Item 305X7 for codes). The “UM” court referral code is used because Michigan will now assume the ability to enforce and modify.

Michigan as the Initiating State/ Request to Register Michigan Order in Another State

Register an order with another state by sending to the responding state's Interstate Central Registry all of the following:

- Child Support Enforcement Transmittal #1-Initial Request, FSA 200-1 (see exhibit 300X1),
- Registration Statement, FSA-207 (see exhibit 305X6),
- Two copies, one certified, of all orders to be registered (all orders upon which the arrearages are based), **and**
- A sworn statement of arrears.

The tribunal in the responding state will determine the controlling order and provide appropriate notices to the non-registering party and/or employer. The notice will contain instructions about contesting the registration.

Michigan as the Responding State/ Registration of a Foreign Support Order

Enforcement of an order issued in another state is accomplished through the registration process. The SS/FOC assists the client in registration of a foreign support order issued in another state under the UIFSA registration provisions. The PA should refer any individuals seeking to register an order in another state to the FOC or the local Support unit if IV-D services are requested.

Prior to referring the case to the FOC for registration under UIFSA, the SS takes the following steps:

1. Locate the non-custodial parent.
2. Attempt to obtain a certified copy of all the order(s) and a sworn statement of arrears from either the custodial parent, or issuing state(s) using the Transmittal #3, FSA 200-3 (See IV-D Item 300X3).

The registration process requires a certified copy of the order(s) and a sworn statement of arrears from the original jurisdiction. A referral to register a foreign order may be initiated without certified copies but proof (a copy of the transmittal requesting certified copy and statements or arrears) that a request has been initiated for the relevant information must be provided to the FOC from the SS. The FOC and the SS units work collaboratively in the effort to obtain the required information for registration of an order.

Registration For Modification

To modify a foreign order under UIFSA, the tribunal must find:

- The child, obligor, and individual obligee do not reside in the state which issued the order being modified.
- The non-moving party is subject to the jurisdiction of the Michigan court, or

- All parties consented to Michigan's jurisdiction over the matter.

Only the state which can assert CEJ may modify an order. If no state can assert CEJ, the order must be registered in the home state of the non-moving party (the party who did not request the modification). When the registering state issues a modified order, that state assumes CEJ.

Only those aspects of the order which are modifiable under the laws of the issuing state may be modified by the registering state. In general, only support obligations can be modified by the registering state.

CEJ must be determined prior to order modification. The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state when all of the parties who are individuals have filed written consent in the issuing tribunal for a tribunal of this state to modify the support order and assume CEJ over the order.

Only Michigan Has CEJ. If Michigan retains CEJ, review and modify the order as required by the Friend of the Court Act and FOCM Chapter 550. If the respondent does not provide requested documentation, use CSE Transmittal #3 to ask the respondent's home state to assist in obtaining the documentation.

More Than One State Has CEJ. If Michigan and another state can both assert CEJ, recognize the order in the child's current home state. If the child's current home state is **not** one of the states which can assert CEJ, recognize the order most recently entered. If the order recognized is not the Michigan order, proceed to request modification of the controlling order by the CEJ jurisdiction and provide any documentation or

CSE Transmittal #3 to ask the respondent's home state to assist in obtaining the documentation.

No State Has CEJ. If no state can assert CEJ, proceed to register the order for modification by sending to the Interstate Central Registry in the state of the non-requesting party all of the following:

- Transmittal #1,
- Registration Statement, FSA-207,
- Two copies, one certified, of the order to be modified,
- All documents supporting the basis for the modification including verified statements, income verification, and child care or health care cost verification,
- A sworn statement of arrears, if enforcement is also requested.

Michigan Order

If a Michigan order registered for enforcement in another state is subsequently modified, send: Transmittal # 2 (exhibit Item 300X2); two copies, one certified, of the modified order to the registering state.

CEJ must be determined prior to order modification. The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state when all of the parties who are individuals have filed written consent in the issuing tribunal for a tribunal of this state to modify the support order and assume CEJ over the order.

One Order, Order State Has CEJ

If there is only one order and the state holding that order can assert CEJ, request that state to modify or modify and enforce their order by sending to the Interstate Central Registry in that state:

- Transmittal #1 -- Initial Request, FSA 200-1 (exhibit #1),
- General Testimony, FSA-202 (exhibit #5).

One Order, Order State Does Not Have CEJ

If there is only one order and the state holding that order **cannot** assert CEJ, petition the respondent's state of residence to modify the order by sending to the Interstate Central Registry in that state:

- Transmittal #1 -- Initial Request, FSA 200-1,
- Two copies, one certified, of the order to be registered,
- Uniform Support Petition, FSA-201, **and**
- General Testimony, FSA-202,
- Transmittal #1 -- Initial Request, FSA 200-1,
- Two copies, one certified, of the order to be registered,
- Uniform Support Petition, FSA-201, **and**
- General Testimony, FSA-202,
- Registration Statement, FSA-207.

More Than One Order.

One State Has CEJ

If there is more than one order but only one state can assert CEJ, request the CEJ state to modify their order. Use the same procedure as for "One Order, Order State Has CEJ."

More Than One State Can Assert CEJ

If there is more than one order and more than one state can assert CEJ, determine which state has the controlling order and request that state to

modify their order. Use the same procedure as for “One Order, Order State Has CEJ.”

Direct Income Withholding

The direct income withholding provision in UIFSA allows for the use of intrastate withholding processes when the employer/source of income is in another state. This should be utilized before initiating interstate actions when the employer is outside of Michigan but in a state with a direct withholding provision.

Direct income withholding is used when the Michigan order requires support enforcement. Direct income withholding cannot be used to enforce health coverage. If unsuccessful, the FOC will register the case for enforcement and/or modification in the non-moving party's state of residence.

Use direct income withholding when:

- Michigan has jurisdiction to enforce,
- Amount of arrears is not in dispute, and
- Statute of limitations is not an issue.

If any of the above-cited issues do not exist, register the case for enforcement and/or modification in the non-moving party's state of residence.

If collections are not received from the employer in a reasonable period of time, take either of the following actions:

- Request assistance, or
- Register the income withholding order in the responding state, or
- Register the support order for enforcement in the responding state.

Registration of the support order allows the responding state to use all remedies available for enforcement under their state law, and does not restrict the use of other remedies under Michigan Law. However, care should be taken to avoid duplication of specific action (e.g., liens against the same property) against the obligor. Inform the registering state of any direct enforcement actions taken.

Contested Direct Income Withholding Order

UIFSA allows the obligor to challenge the direct income withholding order in the state to which it was sent. UIFSA also requires the obligor to send a copy of the notice of contest to the support enforcement agency that initiated the action. A notice of the hearing to be held in the responding state will also be sent. The recommended procedure is to register the order without waiting for the contest to be resolved. Do not withdraw the direct income withholding until the registration is confirmed.

When a notice of contest is received, contact the obligor directly and attempt to resolve the dispute. If the dispute cannot be resolved prior to the hearing:

- Provide the responding tribunal with sufficient information to make a formal disposition of the contest, **or**
- Register the order in the responding state.

The individual contesting the direct income withholding order or registration has the burden to prove one of the following:

- The issuing tribunal lacked personal jurisdiction over the contesting party,
- The order was obtained by fraud,
- The order has been vacated, suspended, or modified by a later order,
- The issuing tribunal has stayed the order pending appeal,
- There is a defense under the registering state's law for the remedy sought.

If a notice of contest is received, provide the other state with material necessary to overcome the contest within 10 working days.

Response to Contests

Provide the information and documentation necessary for the registering state to confirm the registration. Provide the documentation with Transmittal #1, FSA-200-1, IV-D Manual Item 300X1.

Refer the case to the FOC (referral type UF) with the following attached: certified copies of all orders, and sworn statement of arrears for all orders; or, copy of the Transmittal #3, FSA 200-3, requesting certified copies of all orders and sworn statement of arrears.

Treat direct income withholding as an intrastate enforcement action. See FOC Chapter 405, Intrastate Income Withholding.

Note: If local procedures allow, a non-public assistance applicant may apply for child support services and request IROS from the FOC without first being referred by the SS.

INTERSTATE REDIRECTION OF SUPPORT

Interstate Redirection of Support (IROS) under Michigan's RURESA is an action that files a non-Michigan support order with the clerk of the court in the Michigan county where the custodial parent resides. The

jurisdiction, or direct payor collecting under the order is asked to forward support payments to that county's Friend of the Court for receipting, recording, disbursing and monitoring purposes. The purpose of IROS is to facilitate the assignment of support to the state.

Note: If local procedures allow, a non-public assistance applicant may apply for child support services and request IROS from the FOC without first being referred by the SS. See Combined IV-D Manual Item 310, "Interstate Redirection of Support" for more complete instructions on the IROS process.

INTERSTATE INCOME WITHHOLDING ACT

Prior to adoption of UIFSA in June, 1997, Michigan had enacted the Interstate Income Withholding (IIW) Act. This Act facilitated the interstate enforcement of child support obligations through income withholding. The IIW Act was not repealed upon adoption of UIFSA.

A support order entered under this act does not nullify and is not nullified by a support order entered by a Michigan court pursuant to any other law or a support order entered by a court of any other state. If more than one support order is in effect for the support of the same person by the same obligor, the amounts collected by income withholding and credited against an amount owing for a particular time period under any of the orders shall be credited against amounts owing for the same time period under all such orders.

If an existing IIW order requires enforcement action proceed using UIFSA.

PARENTING TIME

In general, the actions or omissions of the parents should not be allowed to negate the child's right to financial support from both parents. Federal Law PL 96-611 requires states to honor the custody decree of another state. UIFSA allows action to be initiated by a parent or other person who has not been granted legal custody.

A FIP client cannot be found non-cooperative for failure to agree to parenting time.

The PA is encouraged to appeal and request responding state IV-D agencies to appeal any cases where courts or tribunals link support to parenting time under UIFSA.

DISCOVERY

UIFSA contains a provision for states to assist other states with discovery. Discovery may mean obtaining and forwarding information or compelling a person over whom it has jurisdiction to respond to another state's discovery order.

The state's tribunal may do any of the following:

1. Request another state's tribunal to assist in obtaining discovery.
2. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by another state's tribunal (MCL 552.1332).

It is the responsibility of the PA to assist with discovery with UIFSA. Use the "UD" referral code (see exhibit Item 305X7) in all proceedings to assist with discovery, or to compel a response to a discovery order issued by another state's tribunal.

Send CSE Transmittal #3 -- FSA 200-3 (exhibit Item 300-3) to the Inter-state Central Registry in the other state to request assistance from that state.

ARREARS

Arrears are calculated based on the highest amount in time, and credit must be given for all payments. There is a simultaneous credit for payments and accrual of arrears across all orders.

No State Has CEJ

If there is more than one order but no state can assert CEJ, register all orders in the state of the non-requesting party and ask that they establish a new order using their guidelines, determine and collect arrearages and assume CEJ.

Note: Requests for modification must include the basis for modification. If a substantial change in circumstances cannot be alleged, the basis for modification may be the IV-D requirement that an order must be reviewed every three years (or more often at the option of the state holding the order).

ATTORNEY GENERAL OFFICE

The Attorney General's Office may represent the obligee in cases where the Prosecuting Attorney (PA) neglects or refuses to represent the obligee. The obligee may use private legal counsel at the obligee's own expense.

FIP AND REDIRECTION OF SUPPORT

When a child begins receiving assistance through a program funded under Title IV-A of the Social Security Act, federal regulations require that every effort be made to secure an enforceable order for support and assure that support payments are redirected to the state. The Title IV-A program in Michigan is the Family Independence Program (FIP).

RURESA.

Because statutes, rules, and procedures relating to child support vary it is not always possible to secure enforcement or redirection of payments on an original order for support granted outside of Michigan. In some

states a court loses jurisdiction over the original order for enforcement purposes when either of the parties leave the state. In an increasing number of jurisdictions, a request to redirect payments must be made via a RURESA petition as a change in payee can only be made by a court order.

When Michigan is the initiating state, redirect support based on the other state's law. When Michigan is the responding state, do an administrative redirection of support to the agency, not the individual.

UIFSA.

UIFSA is silent as to redirection of support. Federal regulation anticipates that it will be done administratively by IV-D agencies. The FOC registers the controlling order for enforcement or modification and enforcement.

CONFLICTS/ PROBLEMS

Attempt to resolve problems with other states by contacting that state's local jurisdiction. If contact with the local jurisdiction does not resolve the issue, contact the Interstate Central Registry in that state. Copies of all relevant correspondence, sufficient case identification, and the requestor's complete name and address should be readily available.

If the issue remains unresolved, contact the Michigan Interstate Central Registry at:

Office of Child Support,
Interstate Central Registry,
P.O. Box 30478,
Lansing, MI 48909-7978

for assistance. Include all copies of all relevant orders and correspondence with the other state.

In addition to facilitating cooperation with the other state, the Interstate Central Registry may consider use of remedies potentially available through Federal District Court to compel the other state to cooperate or to enforce the existing Michigan order.

Related Items: Combined IV-D Manual Items 300, Interstate Procedures; exhibits Items 300X1, 300X2, 300X3, 300X4, 300X5, 300X6, 300X7.

LEGAL BASE

45 CFR 302.31-302.33

45 CFR 302.56

45 CFR 303.7

45 CFR 303.100(g)

28 USC 1738B

MCL 552.455

MCL 552.517-552.517c

MCL 552.671-552.685

MCL 552.1101-552.1901

MCL 780.151-780.183